



21 Campaign Finance and Advertising

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Code of Virginia § [24.2-945](#) states that the provisions of Chapter 9.3 comprising the *Campaign Finance Disclosure Act of 2006* (CFDA), with the exceptions noted in section 21.1 below, apply to all elections for state and local public office in the Commonwealth and to nominations of political party candidates for those offices, whether by primary, nominating conventions, mass meetings, or other nominating methods. [§ 24.2-945](#).

Virginia regulates through disclosure and imposes no contribution limits.¹ The electoral board secretary and/or the general registrar are required by CFDA to perform certain duties relating to the filing of campaign finance reports, assessing civil penalties and referring matters to the Commonwealth’s Attorney. Neglect of official duties is punishable as a Class 1 misdemeanor. (§ [24.2-1004](#)). The statute of limitations for campaign finance violations is the earlier of one year following discovery or three years after the violation. (§§ [19.2-8](#), [24.2-953](#)). When the Department of Elections determines the public interest will be served, it can request the Attorney General or other Governor designated counsel to participate. (§ [24.2-104](#)).

Chapter 9.5 of the Code of Virginia sets forth disclaimer requirements for campaign advertisements and telephone calls also discussed herein. *See*, [§ 24.2-955 – 959.1](#).

21.1 Who Is Not Required To File

Referring to § [24.2-945](#), the following candidates for certain offices are exempt from the provisions of CFDA:

- Members of the U.S. Congress;

¹ Federal law does impose one important prohibition applicable in state and local elections on contributions from foreign nationals. 8 USC § 441e. This prohibition is enforced by [United States Attorneys](#) to whom any questions about compliance should be directed.

- Candidates for President and Vice President of the United States;
- Candidates for Soil and Water Conservation District Director;
- Candidates for town offices in towns with a population less than 25,000, except by ordinance; and
- Candidates for political party committee officers.

21.1.1 Write-in Candidates

Write-in candidates are subject to the reporting requirements under CFDA and campaign advertising laws. For the purposes of [§ 24.2-945 et seq.](#) and [§ 24.2-955 et seq.](#), "candidate" includes any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election. [§ 24.2-101](#). Such persons are considered candidates until a final report is filed. *See*, [§ 24.2-947 et seq.](#)

21.2 Allocation of Responsibilities

Candidates for General Assembly, local, and constitutional offices can choose to file their campaign finance reports on paper or electronically. The Virginia Department of Elections is responsible for a centralized database to receive campaign finance reports filed electronically from local candidates and other required filings. If a candidate chooses to file on paper, then the locality is wholly responsible for the information set forth in this chapter. If the candidate chooses to file electronically, then there are shared responsibilities between ELECT and the local office.

In the case of a candidate for the General Assembly who files on paper, the local office of the candidate's residence will receive copies of the signed Statement of Organization and subsequent reports. If filing electronically, the local office of the candidate's residence will only receive a signed copy of the Statement of Organization.

For local candidates which file electronically, the candidate will file reports on-line using the Department's online filing application. Once filed, ELECT sends a copy of the report to the responsible locality. For candidates who file electronically, localities remain responsible for maintaining and reviewing local candidate reports as well as assessing any appropriate civil penalties.

Copies of paper and e-filed reports must be made available to any person requesting at a reasonable. Only the office required to receive a filing must preserve the records for public inspection and copying for the period required in [§ 24.2-946.2](#) (one year after final report or through next pertinent general election, whichever is later).

21.3 When a Candidate Must Register

According to [§ 24.2-947.1](#), a person is required to file a Statement of Organization (Form CFDA-947.1) within 10 calendar days of meeting any **one** of the requirements listed below:

- Acceptance of a contribution of any amount;
- Expenditure of any funds (including personal funds for the purpose of the campaign);
- The payment of a filing fee for any party nomination method;
- The filing of a candidate statement of qualification (Certificate of Candidate Qualification Form [Form CFDA-501]); or
- The appointment of a campaign treasurer, designation of campaign committee, or designation of a campaign depository (bank account).

The name of the campaign depository is required.

The candidate is still required to file a Statement of Organization (Form CFDA-947.1) and **open a separate bank account** prior to filing the request for exemption. **The exemption form can be submitted with the Statement of Organization. The form must be filed before the first filing is due.**

21.3.1 Amending the Statement of Organization;

The committee has 10 days from the date of the change to amend the Statement of Organization when any information previously submitted on the Statement of Organization changes.

21.3.2 Local Candidate Exemption Request

Candidates for local office are allowed to request an exemption from filing campaign finance reports (Form CFDA-948.1E). [§ 24.2-948.1](#). The exemption applies if the candidate meets the following requirements:

- Has not and will not solicit or accept any contribution from any person or political committee during the course of his campaign
- Has not and will not contribute to his own campaign more than \$1,000 of his own personal funds
- Has not and will not expend more than \$1,000 of his own personal funds during his campaign
- Has and will comply with the requirements of CFDA.

The candidate is still required to file a Statement of Organization (Form CFDA-947.1) and open a separate bank account. The request for the exemption can be filed with the Statement of Organization form. The request form must be filed before the first report is due.

By law, a candidate claiming exemption cannot take office until a final report is filed. [§ 24.2-948.1](#). The final report must show all financial activity of the campaign.

If the candidate determines they will solicit contributions *or* expend more than \$1,000 of their own funds, they are required to rescind their exemption by filing Form CFDA-948.1R prior to taking such actions. The first contributions and expenditures report must show all receipts and expenditures from the first activity date and must file on the regular schedule thereafter. A final report is due before taking the oath of office.

21.3.3 Special Elections

A candidate may campaign for a special election to fill a vacant seat prior to the special election writ being issued. If the writ for a special election has not been called, then the Election date on the Statement of Organization should indicate the next General Election date for the office sought. The statement of organization must be amended to reflect the date of the special election once the writ has been issued.

21.4 Election Cycles

The candidate's election cycle begins on January 1 of the year the candidate first seeks election for the office through December 31 immediately following the election for such office. [§ 24.2-947](#). The next election cycle, and any subsequent election cycles, for the candidate who seeks election in successive elections for the same office shall begin on January 1 immediately following each election for the same office and continue through December 31 immediately following the next successive election for the same office. For example, a candidate for the House of Delegates who office was elected in November 2013 will begin a new election cycle on January 1, 2014 and it will end on December 31, 2015 whether the candidate is elected or not.

Solely for administrative purposes, any candidate with an open campaign finance account is required to report in a new election cycle and shall be presumed to be a candidate for election in the succeeding election even if the candidate is not on the ballot.

The cover page of reports filed in the next election cycle should indicate the next general election date and year for that office beginning with the first report which contains financial activity in the year immediately following the election. If, at any point, the candidate decides not to run for election for the same office, then they are still required to file all required reports related to that office until such time as they file a Final Report or they will be subject to civil penalties for failure to file the required reports.

In other words, the election cycle is not determined by whether the candidate's name is on the ballot, but by the office on the ballot.

Candidates can close their committee registration at anytime by filing a final report (see requirements for filing a final report in Section 21.8).

21.5 Processing Reports

The secretary of the electoral board or, if decided by the electoral board, the general registrar, receives and reviews campaign finance reports required to be filed with them according to the procedures outlined by the SBE. [§ 24.2-946.3](#)(C).

21.5.1 Catalog Receipt

Separate records must be kept for each candidate filing locally. All official communications to and from each committee must be kept with the committee's file.

When reports are received, the date must be entered on the form and a preliminary check should be performed to verify the following:

- The report is legible.
- All amounts shown on Schedule G Statement of Funds are itemized on the appropriate schedules and included with the report.²
- The report is properly signed and dated by the candidate or treasurer.

Candidates should be notified in writing about omissions and errors and given 10 days to file an amended report (See Section 21.5.4). **Section [24.2-953.3](#)**

21.4.2 Review

NOTE: The online application COMET sends reminders of filing deadlines to local candidates who file electronically. COMET also sends a receipt to EBs and GRs in real time when a report is filed. Efilers have until 11:59PM on the reports due date to file.

A detailed review is required within 21 days of the report's due date. [§ 24.2-946.3](#)(E). This review should check for the following:

- Missing information in required fields
 - Blank entries in required fields. Entries such as "N/A," "none," "unknown" etc. are considered "missing information".
 - In fields where "requested," "unable to obtain" or similar statement is entered, the filer should provide copies of letters to the contributors requesting this information.
- Obvious mathematical errors
- The beginning balance of the current report (Schedule H, Line 16) equals the ending balance of the previous report (Schedule H, Line 19)
- The numbers entered on Lines 19 and 29 of Schedule H match.
- Contributors are listed in alphabetical order on Schedule A and Schedule B as required by [§ 24.2-947.4](#)

² Un-itemized contributions should be included on Schedule G, Lines 3 & 4. Contributions of more than \$100 must be itemized on Schedule A of the Contributions and Expenditures report

- All large pre-election contributions or local large contribution reports were reported in a timely manner (if applicable).
- If the report is filed on paper, then the report must be signed by either the treasurer or the candidate. There are no restrictions on the power of attorney signing the report if the candidate acts as his own treasurer and is incapacitated.

Local election officials are not required to verify the validity of the information provided. Persons who challenge the validity of the information contained in a committee's report should be directed to the local Attorney for the Commonwealth.

Local election officials are not required to review campaign finance reports for General Assembly candidates who file their reports on paper.³ The Virginia Department of Elections is responsible for reviewing these reports. However, if a required report is not filed or filed late, then the GR/EB is required to assess and collect the required civil penalties following the appropriate procedure.

21.5.3 Complete Filings

It is recommended that the responsible local election official send an email to the committee acknowledging receipt of the filing and provide the due date for the next report once the filing has been determined to be complete.

Reporting forms may be included with correspondence with candidates. Local election officials are not required to provide forms to candidates for the General Assembly. All required forms are available on the Virginia Department of Elections website.

21.5.4 Incomplete Filings

For incomplete reports, the responsible local election official should proceed as follows:

- Prepare a certified letter to the committee at the committee's primary address which outlines the missing information / errors found in the report.
 - 1) *See below*, Exhibit E.
 - 2) The letter should state that an amended report must be received within ten days of mailing the letter or the prescribed civil penalty will be assessed (penalties can only be assessed if the committee is notified within 21 days of the report's due date).
 - 3) Due to the short turnaround time for amending the report, Department of Elections recommends that the responsible local election official also contact the committee via email (if known) or phone in order to ensure they receive the necessary information.
- Send the letter by Certified Mail - Return Receipt Requested⁴; and

³ The vast majority of candidates for General Assembly file their reports electronically. Those filing on paper must pay a paper filing fee to the Department unless waived for indigency under [1 VAC 20-90-20](#). Those that do file electronically file ONLY with the Department of Elections.

⁴ Subsequent identical mail can be sent by regular mail. [§24.2-101.01](#).

- Preserve a copy of each letter and the stamped USPS receipt for certified mail, and either the return receipt signed by the recipient or the envelope returned by the USPS as unclaimed by the addressee.

The committee must amend the report by the due date or request additional time. Extensions of no more than 14 calendar days may be granted. § [24.2-953.3](#).

The schedules for assessing penalties for committees that fail to respond to requests for additional information are found in the *Candidate Campaign Committee Summary on Laws and Policies*. Illustrative schedules are also provided later in this chapter.

Reports filed electronically with the Virginia Department of Elections, by local or constitutional candidates will be forwarded to the appropriate locality. The email will contain a link to the report found on our website to assist the responsible local election official in cataloging and reviewing the report. The Department of Elections automatically acknowledges the receipt of electronically filed reports.

21.6 Special Large Pre-Election Contribution Reporting

Certain candidates are required to file a Large Pre-Election Contribution report (Form CFDA-947.9) if they receive a contribution exceeding statutory thresholds (\$1,000 or more for General Assembly candidates; \$500 or more for local or constitutional candidates) in the twelve (12) days prior to any nomination or election. § [24.2-947.9](#). The Code provides important details such as coverage of party nominating events in addition to elections in some circumstances. Candidates running unopposed in a primary or other nominating event are not required to file Large Pre-Election Reports. However, they are required for unopposed candidates running in a General Election. Candidates running for the General Assembly and filing electronically must file these reports **with** the Department of Elections. General Assembly candidates who file on paper must file reports with the locality and the Department of Elections and pay a paper filing fee to the Department unless waived for indigency under [1 VAC 20-90-20](#).

The report must be filed no later than 5 pm on the day following receipt (Monday if a contribution is received on a Saturday). The contributions shown on these reports must also be reported again on the candidate's next report.

21.7 Independent Expenditure Reports

Persons, candidate campaign committees, and political committees are required to submit Independent Expenditure reports within 24 hours of making an independent expenditure exceeding statutory thresholds of \$200 for General Assembly and local elections. § [24.2-945.2](#). Please note this requirement pertains to all independent expenditures for the election cycle, not for the support or opposition of a single candidate.

An independent expenditure is an expenditure made without coordination or involvement of the candidate supported or opposed. "Coordinated or Coordination" is defined as (i) the express

request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee; or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination or timing of the expenditure. [§ 24.2-945.1](#)

The Code definition does not require that the candidate have knowledge of the expenditure.

21.7.1 Where to File Independent Expenditure Reports

Independent expenditures made to support or oppose a candidate for General Assembly or statewide office must be reported to the Department of Elections. Independent expenditures made to support or oppose candidates for local and constitutional offices must be submitted to the local electoral board. The Independent Expenditure Report (Form CFDA945.2) is used.

Any independent expenditure reports filed locally should be placed in the existing file for the candidate who is indicated on the report as being supported or opposed.

21.7.2 Deadline for Filing Independent Expenditure Reports

Expenditure reports are due within 24 hours after the funds are expended, or after advertising materials are published or broadcast to the public; whichever occurs first.

21.8 Filing a Final Report

All candidates are required to file a final report. [§ 24.2-948.4](#). However, there is no required deadline for when a candidate (exception for exempt candidates) must file their final report. Exempt candidates must file a final report detailing activity since the beginning of the campaign prior to being sworn in to office. *See* [§ 24.2-948.1](#). A final report can be filed at any time. It does not have to be filed during a regular reporting deadline.

21.8.1 Candidates No Longer Running for Election to the Same Office

A candidate must continue to file campaign finance reports on the appropriate schedule until a final report is filed indicating all debts for the campaign have been paid and the committee's balance has been returned to zero. [§ 24.2-948.4](#). Debts may not be transferred to another campaign. A candidate who is running for the same office in successive elections may keep their campaign account open.

When filing a final report, the candidate must sign a *Termination Statement*. This statement is the Cover Sheet to the Final Report (SBE-948.4) indicating that all debts have been paid, all monies received and spent have been reported and, if surplus funds remain, the amount and disposition of those funds. The termination statement must be filed on paper even if the committee files their reports electronically.

21.8.2 Disbursement of Surplus Funds

According to § [24.2-948.4](#), a campaign committee is authorized to disburse surplus funds by the methods listed below:

- Transfer to a future election for the candidate or to retire the deficit of the current campaign
- Return to a contributor in an amount not to exceed the contributor's original contribution
- Donation to any organization described in § the Internal Revenue Code, [26 USC 170\(c\)](#)
- Contribution to one or more candidates or to any political committee
- Contribution to any political party committee
- Defraying any ordinary, non-reimbursed expense related to his elective office

No candidate may convert any contributed moneys, securities, or like intangible personal property to his personal use. Prohibited personal use extends to immediate family members. The Attorney General's office has provided a written explanation of the provisions of the Campaign Finance Disclosure Act which prohibit "personal use." This explanation is available on the Department of Elections website for all candidates, committees, and persons subject to the Act's provisions and is also provided below:

For the purposes of reporting campaign finances, the laws of the Commonwealth of Virginia require disclosure on the campaign finance disclosure report form of all contributions and expenditures.

Chapter 9.3 of Title 24.2 of the Code of Virginia is the Virginia Campaign Finance Disclosure Act of 2006 ("Act"). The Act constitutes "the exclusive and entire campaign finance disclosure law of the Commonwealth." § 24.2-945(B). Article 3 of Chapter 9.3, §§ 24.2-947 through 24.2-949.9, governs candidates and their campaign committees. Section 24.2-948.4 of Article 3 governs the requirements for filing a final campaign finance report and the disbursement of surplus funds in a candidate campaign committee's account. In § 24.2-948.4(D), the General Assembly unambiguously provides that surplus funds "may be disposed of only by one or any combination" of certain conditions:

1. A transfer of the excess to use in a succeeding election or to retire a preceding election deficit;
2. A return of the excess to a contributor, which may not exceed the contributor's original contribution;
3. A donation to any § 170(c) organization;
4. A contribution to one or more candidates or to any political committee meeting the requirements of Chapter 9.3;
5. A contribution to any political party committee; and
6. To defray any ordinary, nonreimbursed expense related to his elective office.

Immediately following these listed conditions for the disposal of excess campaign funds by a candidate, the General Assembly specifically prohibits a candidate from converting "any

contributed moneys, securities, or like intangible personal property to his personal use or to a member of the candidate's „immediate family“ as that term is defined in § 30-101.” The General Assembly has clearly prohibited the personal use of campaign contributions by candidates, but only in the context of the filing of the required final campaign finance report.

The permitted uses of campaign funds are found in § 24.2-945.1(A), where the General Assembly defines the term “expenditure” to mean money and services of any amount, and any other thing of value, paid, loaned, provided, or in any other way disbursed by any candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate. The candidate or his treasurer must keep detailed and accurate accounts of all expenditures, and report every contribution and expenditure on the candidate campaign finance disclosure form.

21.9 Retention of Reports

Campaign Finance Reports filed locally must be retained through the next general election for the office to which they pertain unless the candidate has filed a Final Report. Reports for terminating candidates must be retained at least one year after the final report is filed, or the next general election for the office to which they pertain. After expiration of the applicable retention period, the reports can be destroyed according to the instructions set forth in [GS-01, Voter Registration and Election Records, Library of Virginia](#).

21.10 Reporting Forms

Reporting forms for all committee types are available on the Department of Elections website. Any questions regarding reporting forms can be directed to the Department of Elections toll-free line (800-552-9745).

21.11 Summaries of the Act

The *Summaries* of the Act for each type of committee are available on the Department of Elections website.

21.13 General Information on Civil Penalties

A civil penalty is required to be assessed for incomplete filings, late filings or the failure to file required campaign finance statements or reports. [§ 24.2-953.3](#).

The law requires Department of Elections to provide uniform schedules for local election officials to follow in carrying out their responsibility to assess civil penalties for campaign finance report violations. [§ 24.2-946.3\(I\)](#). No electoral board, Election Official or Commonwealth's Attorney has the authority to waive or reduce these penalties. All election officials must follow the uniform schedules published on the Department of Elections website. Schedules are reproduced in this Chapter for illustration purposes and in the event of any conflict, the website information controls.

Any person who violates, or aids, abets, or participates in the violation of, the Act shall be subject to a civil penalty not to exceed \$100. For purposes of establishing penalties, the Code of Virginia creates three categories of violations: (i) the failure to file reports (§24.2-953.1); (ii) the late filing of reports (§24.2-953.2); and (iii) incomplete reports (§24.2-953.3). In addition, a special category exists to provide for additional civil penalties that relate only to statewide campaigns (§24.2-953.4). As to each category, the Code provides for a specific range of civil penalties and, where appropriate, the type of notice that must be provided before a penalty may be imposed.

The sections relating to the failure to file reports (§24.2-953.1) and the late filing of reports (§24.2-953.2), do not require that notice be provided before the imposition of penalties. Thus, if the statutory filing deadline is missed, the penalty is automatically triggered.

The procedure to be filed for the assessment of penalties relating to incomplete reports is governed by §24.2-953.3. It provides, in part: “Prior to assessing a penalty ...for the filing of an incomplete report, the Commissioner of Elections or the general registrar or secretary of the local electoral board, as appropriate, shall notify, by certified mail, the candidate and treasurer, or person or political committee required to file a report...No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.”

In a similar fashion, §24.2-953.4, which provides for additional penalties relating to statewide races, also explicitly requires that a prior notice must be given before a penalty may be imposed. It provides, in relevant part: “Prior to assessing a penalty pursuant to this section the Commissioner of Elections shall notify...the candidate and treasurer in writing that a report has not been filed or that a filed report has not been completed...No penalty shall be assessed pursuant to this section if the report or information required to complete the report is filed within seven days of the date of mailing the written notice.”

It will be noted that the above analysis does not address the terms of §24.2-953, which does contain a 60 day notice provision. Said provision does not relate to the imposition of civil penalties. Instead, it relates solely to the steps that might be followed if the Board seeks to create a rebuttable presumption of willfulness as to the violation of campaign finance laws. The potential of a rebuttable presumption is only triggered, however, after actual receipt of the mailing and only after the passage of 60 days, a time period much greater than that necessary to impose a penalty under §24.2-953.3 (10 days) and §24.2-953.4 (7 days).

The State Board has formally adopted the following schedules for the assessments of civil penalties. To ensure uniformity throughout the state, this schedule must be followed when the filing officer is assessing civil penalties.

“Official Notification,” or any variation of this phrase, as stated within this chapter refers to the letter sent via United States Postal Service Certified Mail to the committee’s primary mailing address as reported on the committee’s most recently filed Statement of Organization. The date of “official notification” is either the date that the letter is received and signed for or the date on

which the USPS returned the mail to Department of Elections or the local electoral board. The notification is considered made even if the notification is not signed for, or was undeliverable, so long as the notification was sent to the committee's primary mailing address.

21.14 Penalty Schedule

21.14.1 Late Report

\$100 civil penalty automatically imposed after the conclusion of the report's filing deadline. The local electoral board must notify the committee of civil penalty and collection procedures via email or regular postal mail (see Exhibit B if the report is filed, but late; see Exhibit C if the report has not been filed as of the date of notification). If the payment is not received within 60 days of the deadline, the matter is referred to the appropriate Attorney for the Commonwealth for collection (see Exhibit F).

21.14.2 Failure to File Report

If no report is filed within 60 days of the due date, the local electoral board will notify the committee via certified mail (See Exhibit D). The penalty will increase to \$500 and the committee will be provided an additional 60 days to submit the report. If, after 60 days has passed, the committee has not filed the report, then the matter is sent to the appropriate Attorney for the Commonwealth (see Exhibit F) for collection and determination as to whether the violation is willful. The penalty notification will increase from \$500 to \$1000 if second or subsequent violations.

If delivery of the certified letter to the committee's primary mailing address is returned undeliverable or the recipient refused to sign, then the matter shall immediately be referred to the appropriate Attorney for the Commonwealth.

The local electoral board of a county or city will notify the Commonwealth's Attorney for the county or city in which the electoral board has jurisdiction.

For candidates for the General Assembly, the State Board will notify the Commonwealth's Attorney of the county or city of the residence of the candidate in violation. For candidates for statewide office, the State Board will notify the Commonwealth's Attorney for the City of Richmond.

Committees must make their checks payable to the treasurer of their locality for deposit to their General Fund. The payment does not have to be received from the committee's bank account. Payment can come from any account.

21.15 Political Advertisements

The law is commonly known as “Stand By Your Ad” (SBYA) contains the requirements for disclosures on political advertisements. [§ 24.2-955](#) et seq.

21.15.1 When Disclosure Statements are Required

A disclosure statement is required by statute for all political advertisements which “expressly advocate” the election or defeat of a clearly identified candidate (e.g. “Vote for..”; “Support”; “Oppose”; “John Smith for Senate”). Case law includes advertising which is the functional equivalent of express advocacy (capable of no reasonable interpretation other than advocating the election or defeat of a clearly identified candidate). The proper disclosure must be used in order to comply with the requirements of the law. Political advertisements can appear on television, radio, or print media.

21.15.2 Print Media Definition

The following is a list of specific items that constitute *Print Media*:

- Billboards
- Bumper Stickers
- Cards
- Sample Ballots
- Newspaper ads
- Newspaper inserts
- Magazines
- Mailed printed advertisements
- Pamphlets
- Fliers
- Periodicals
- Websites
- Electronic mail (E-mail)
- Outdoor advertising facilities (e.g. Barn sides, Stadium billboard ads)

These items do not require a disclosure statement (*see*, [§ 24.2-955.1](#)):

- Pens
- Pencils
- Magnets
- Buttons to be attached to wearing apparel
- Hats
- T-Shirts

21.15.3 Print Media Disclaimer Requirements for Candidates

The visual disclaimer required on print media advertisements must be displayed in a conspicuous manner. Advertisements with multiple folds, faces, or pages must include the disclaimer on at least one fold, face or page. Print advertisements must display the statement in a minimum of seven point font. Committees will be considered to have complied with the law if the disclosure legend or statement conveys the required information.

21.15.3.1 “Paid for by...”

The disclosure statement for every political advertisement sponsored by a candidate that appears in Print Media must state who paid for the advertisement. The statement must include the name of the candidate or the candidate’s campaign committee.

If the candidate or his campaign committee is the sponsor of the advertisement AND the advertisement does *not* refer to any other clearly identified candidate, then the disclaimer can use “Authorized by... instead of “Paid for by...”

In the case of a print media advertisement that has more than one sponsor, the disclaimer must name all sponsors.

Print media advertisements appearing in an electronic format must be displayed in at least seven (7) point font; however, if the advertisement lacks sufficient space for a disclosure statement of at least the minimum seven (7) point font, then the advertisement will meet the disclosure requirements if, by clicking on the advertisement, the viewer is taken to a landing page or a home page that displays the required disclosure statement.

21.15.3.2 “Authorized by...”

If the political advertisement refers to any other clearly identified candidate, other than the sponsor of the advertisement, then the disclosure statement must state whether it was authorized by the candidate mentioned in the advertisement.

The disclaimer must state “Authorized by... [Name of candidate], candidate for [Name of office]” or “Not Authorized by any other candidate.”

21.15.4 Television Disclaimer Requirements for Candidates

Televised political advertisements must also comply with the federal Communications Act of 1934 as well as the relevant sections of the Code of Virginia. [47 USC 315, 317; § 24.2-957](#) et seq.

Every televised political advertisement sponsored by a candidate must visually state who paid for the advertisement. The statement must be 20 scan lines in size and must include the name of the candidate or the candidate’s campaign committee. The statement must appear on screen for at least four (4) seconds. [47 USC 315](#).

If the candidate or his campaign committee sponsors the advertisement *and* the advertisement does not refer to any other clearly identified candidate, then the statement can use “Authorized by...” instead of “Paid for by...”

In the case of a television advertisement that has one or more sponsors, the disclosure statement must name all sponsors and a sponsoring candidate must speak the statement.

If the sponsor of the advertisement does not control the audio, then the disclaimer standards for Print Media apply.

21.15.4.1 “Authorized by...” Spoken Disclosure Statement

Any televised political advertisement sponsored by a candidate that refers to another clearly identified candidate or candidates not sponsoring the advertisement must include a statement of sponsorship spoken by the sponsoring candidate. At least the following language must be included: “I am... (Or “This is...”) [Name of candidate], candidate for [name of office], and I (or “my campaign”) sponsored this advertisement.” There must be a full-screen, un-obscured photographic picture or actual appearance of the candidate throughout the entire spoken statement.

The spoken statement can be spoken at any time during the advertisement unless the duration of the advertisement is more than 5 minutes. The spoken statement must be delivered at the beginning and the end of the advertisement if the advertisement is more than 5 minutes.

If multiple candidates sponsor the advertisement, then at least one sponsoring candidate must speak the statement of sponsorship.

21.15.5 Radio Disclaimer Requirements for Candidates

Political advertisements broadcast on radio must comply with the federal Communications Act of 1934as well as the Code of Virginia. [47 USC 315, 317; § 24.2-958](#) et seq. The spoken statement must last at least two seconds and must be spoken so that its contents can be easily understood.

If the radio advertisement has multiple sponsors, the disclaimer statement must name all sponsors and the candidate must speak the disclaimer statement. If multiple candidates sponsor the advertisement, then at least one candidate must speak the disclaimer statement.

21.15.5.1 Spoken Disclosure Statement

Any radio broadcast political advertisement sponsored by a candidate that refers to another clearly identified candidate not sponsoring the advertisement must include a statement of disclosure spoken by the sponsoring candidate. At least the following language must be included: “I am... (Or “This is...”) [Name of candidate], candidate for [name of office], and I (or “my campaign”) paid for this advertisement.”

If the candidate or his campaign committee sponsored the advertisement AND the advertisement does **not** refer to any other clearly identified candidate, then the disclaimer can use “Authorized by ...” instead of “Paid for by...”

21.15.6 Campaign Telephone Call Disclaimer Requirements

Campaign telephone calls that meet all of the following criteria are subject to SBYA disclosure requirements:

- 1) A series of telephone calls (electronic or otherwise)
- 2) Made to twenty-five or more telephone numbers in the Commonwealth
- 3) During the 180 days before a general or special election or during the ninety days before a primary
- 4) Conveying or soliciting information relating to any candidate or political party participating in the election or primary
- 5) Under an agreement to compensate the telephone callers

A violation of the telephone call disclosure requirements will not void any election. [§ 24.2-955.3](#).

It is unlawful for any candidate or campaign committee to make campaign telephone calls or to contract with persons making telephone calls without disclosing before the conclusion of each telephone call, information to identify the candidate or campaign committee that has authorized and is paying for the calls. The requirement does not apply if the call is terminated prematurely by means beyond the maker’s control. The person making the campaign telephone calls must disclose the name of the candidate(s) or candidate campaign committee(s) paying for the call and authorizing the call, prior to the call’s conclusion.

Since 2010 Virginia law has prohibited any candidate, candidate campaign committee, person, corporation, or political committee making telephone calls to intentionally modify caller identification information in order to mislead the recipient as to the identity of the caller [§§ 24.2-959, 959.1](#).⁵

21.15.7 Procedure for Reporting Violations to Disclaimer Requirements

In contrast to campaign finance reports, the law does not impose any duty on local election officials to report or sanction possible advertising violations. Because of the politically charged nature of campaign advertising, complaints alleging disclosure violations normally originate from a citizen.

All complainants should be referred to the Department of Elections which has authority to assess civil penalties payable to the State Treasurer and refer possible willful violations to the appropriate Commonwealth’s Attorney for investigation. [§ 24.2-955.3](#).

⁵ Updated 7/2010 (HB 215)

21.16 Letter Templates

The following are recommendations for letters to be sent to delinquent committees:

21.16.1 Exhibit A - Unfiled Statement of Organization

Candidate/Committee

Address Line 1

Address Line 2

City, VA Zip Code

Dear Filer:

The Statement of Organization is required to be submitted within 10 days of filing your Candidate Qualification form. ***Our records indicate that your Statement of Organization is past due.***

In the *Code of Virginia* § [24.2-947.1](#) the Campaign Finance Disclosure Act requires that a civil penalty be imposed for failure to file a Statement of Organization within 10 days.

As a result the (county/city) Electoral Board must assess a penalty in the amount of \$_____. Please make your check payable to “(county/city Treasurer” and forward this payment to the (county/city) Electoral Board within 10 business days. If payment is not received within 30 days, (county/city) Electoral Board will be required to forward this matter to the appropriate Commonwealth's Attorney who must initiate proceedings for its collection.

The Statement of Organization must be filed within ten (10) business days from the date of this letter.

If you have questions or if there may be other pertinent information you require, feel free to contact the Campaign Finance Division at the number listed below.

If you feel that you have received this letter in error please contact me at (phone number).

Sincerely,

Staff Name

Staff Title

21.16.2 Exhibit B - Late Filing

Candidate/Committee

Address Line 1

Address Line 2

City, VA Zip Code

Dear Candidate/Committee:

A careful review of our records shows that “Candidate/Committee, (Candidate/Committee Code)” filed its report on «SUBMISSION_DATE» which was after the report’s required deadline of «Report_Due_Date».

According to the civil penalty schedule adopted by the Department of Elections, the committee must be assessed a penalty of \$100 for not submitting the required campaign finance report by the deadline.

Finally, the failure to pay the civil penalty within 60 days of the deadline for this filing period will result in the (county/city) Electoral Board requesting the Commonwealth’s Attorney to enforce collection.

Filing Period Ending	Report Deadline	Assessed Penalty
Invoice Number :	TOTAL AMOUNT DUE	

Please make your check in the amount of \$«AMOUNT_FINED» payable to the “(county/city) Treasurer.” Please reference invoice number «FINE_ID» and forward this payment to the (county/city) Electoral Board.

If you feel that you require additional information or have received this letter in error please contact your (county/city) Electoral Board as soon as possible at (phone number).

Sincerely,

Staff Name

Staff Title

21.16.3 Exhibit C – Report Not Filed

Candidate/Committee

Address Line 1

Address Line 2

City, VA Zip Code

Dear Candidate/Committee:

A careful review of our records shows that “Candidate/Committee, (Candidate/Committee Code)” failed to file the report due on «Report_Due_Date».

According to the civil penalty schedule adopted by the Department of Elections, the committee must be assessed a penalty of \$100 for not submitting the required campaign finance report by the deadline.

Failure to submit the report within 60 days of this notification will result in the civil penalty being increased to \$500.

Finally, the failure to pay the civil penalty within 60 days of the deadline for this filing period will result in the (county/city) Electoral Board requesting the Commonwealth’s Attorney to enforce collection.

Filing Period Ending	Report Deadline	Assessed Penalty
Invoice Number :	TOTAL AMOUNT DUE	

Please make your check in the amount of \$«AMOUNT_FINED» payable to the “(county/city) Treasurer.” Please reference invoice number «FINE_ID» and forward this payment to the (county/city) Electoral Board.

If you feel that you require additional information or have received this letter in error please contact your (county/city) Electoral Board as soon as possible at (phone number).

Sincerely,

Staff Name

Staff Title

21.16.4 Exhibit D – Failure to File Continues for > 60 Days

Candidate/Committee

Address Line 1

Address Line 2

City, VA Zip Code

Dear Candidate/Committee:

A careful review of our records shows that the “Candidate/Committee, (Candidate/Committee Code)” failed to file a required regular campaign finance report by the deadline of «Report_Due_Date».

Your committee was notified of this penalty and the need for the required report on <LetterDate> that if no report was filed within 60 days of the due date, the penalty will increase to \$500. To date, we have not received the required report.

If your committee does not file the report within 60 days of receipt of this letter, then this office will be required to notify the Commonwealth Attorney’s office to enforce this matter.

Please make your check in the amount of **\$500.00** payable to the Treasurer, <Locality Name> and forward this payment to this office.

If you feel that you have received this letter in error, please contact this office as soon as possible.

Sincerely,

Staff Name

Staff Title

21.16.5 Exhibit E - Incomplete Report

Candidate/Committee

Address

City, State Zip Code

Dear Filer:

This letter acknowledges receipt of your _____ report for your _____ campaign. This report, though filed timely, has been reviewed and it has been determined to be incomplete. The report is missing the following information required by Virginia Code § **24.2-947.4**:

Incomplete Required Information

_____ has 10 days from the receipt of this letter to re-file the aforementioned completed report or will be subject to a civil penalty as established in Virginia Code § **24.2-953.3**.

Please be advised that the penalties required to be assessed for late or incomplete filings are detailed in the *Candidate Campaign Committee Summary on Laws and Policies* which can be found the Department of Elections' website at www.virginia.gov. If you have any questions you may contact this office at _____.

Sincerely,

Staff Name

Staff Title

21.16.6 Exhibit F - Letter to Commonwealth's Attorney

Commonwealth's Attorney
Address Line 1
Address Line 2
City, VA Zip Code

Dear Commonwealth's Attorney:

As required by § 24.2-946.3 of the Code of Virginia, I am hereby notifying you that _____ has (failed to file required reports / not made payment on an assessed civil penalty) after being duly notified and given an extended opportunity to do so. This office assessed the committee a penalty totaling <Penalty Amount>

This matter is referred to you for your review. I ask that you please institute proceedings for the collection of the civil penalties assessed and, if you deem it appropriate, prosecution of a Class 1 misdemeanor as provided by § 24.2-953 *et seq.*

Civil penalties collected are to be made payable to the *Treasurer of <Locality Name>* and must be forwarded to this agency for deposit.

Thank you and if you require further information, you may contact the Electoral Board at (county/city) phone number.

Sincerely,

Staff Name
Staff Title